

FILED

United States District Court

MAR 16 2007

MIDDLE

DISTRICT OF

ALABAMA

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

CASE NUMBER: 3:07mj30-WC

ALEXIS RAMON HERRERA-FLORES

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 15, 2007 in Lee county, in the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense)

being an alien, knowingly re-enter the United States after having been deported subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony, without obtaining the permission of the Secretary of Homeland Security or the Attorney General of the United States,

in violation of Title 8 United States Code, Section(s) 1326(b)(1).

I further state that I am a(n) ICE Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

March 16, 2007

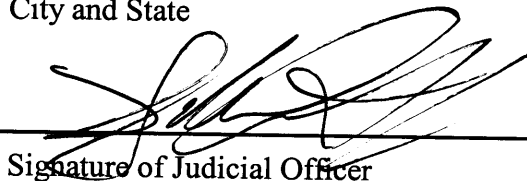
Date

at Montgomery, Alabama

City and State

WALLACE CAPEL, JR., U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT

I, Blake Diamond do solemnly depose and state the following:

I am a duly sworn Special Agent of the U.S. Immigration and Customs Enforcement (ICE) assigned to the office of the Assistant Special Agent in Charge (ASAC) - Mobile, Alabama. I have been employed as a federal agent for approximately eleven (11) years. My principal assignment has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality.

On September 08, 2006, Deana Black with the Lee County Sheriff's Office in Opelika, Alabama, contacted me in reference to a Hispanic male that was arrested and booked into the jail. She informed me that on September 07, 2006, this individual was arrested by the Opelika, Alabama Police Department for the offense of Escape 3rd Degree. At the time of his arrest he used the name Carlos Ramire HERRERA and the date of birth August 27, 1976. She also advised me that he had a previous arrest on August 19, 2006 for the offense of Theft of Property 3rd. HERRERA was booked into the Lee County Jail under the name Ramon HERRERA.

On September 08, 2006, I interviewed this individual via telephone at the jail. After identifying myself as a Special Agent with the U.S. Immigration and Customs Enforcement this individual made the following statement freely and voluntarily. He claimed that his true and correct name was Carlos RAMIREZ-Herrera and that his date of birth was August 27, 1976. He claimed that he was a native and citizen of Mexico, born in Monterrey. He admitted that he entered the United States illegally at a place not designated as a Port of Entry. He stated that he last entered the United States sometime in 2005 near Laredo, Texas. He admitted that he does not possess any documents allowing him to enter, reside, or work in the United States legally. He also claimed that he's never been arrested by the police and that he's never been deported from the United States.

On September 08, 2006, I conducted record checks through ICE indices, which revealed no record on file for the name and date of birth provided by RAMIREZ-Herrera.

On January 24, 2007, Jenny Wilson with the Opelika, Alabama Municipal Jail contacted me in reference to RAMIREZ-Herrera. She informed me that RAMIREZ-Herrera had been released from the Lee County Jail and transferred back into the Opelika Municipal Jail.

On March 15, 2007, I visited the Opelika Municipal Jail and obtained a set of RAMIREZ-Herrera's fingerprints from Mrs. Wilson.

On March 15, 2007, I submitted RAMIREZ-Herrera's fingerprints to both the FBI Special Processing Unit and the DHS WINS/AFIS Fingerprint Center for criminal and immigration query. The queries resulted in the exact match for Ramon Alexis HERRERA-Flores with FBI# 304513KB5 and Alien# A76 655 957. The NCIC rap sheet revealed numerous arrests by law enforcement agencies in Alabama, Arizona, California, Georgia, Michigan, and Texas.

ICE indices revealed that on HERRERA-Flores was deported from the United States to Honduras approximately eight (8) times.

- 1) 06/04/1999, deported to Honduras through Houston, TX.
- 2) 12/07/2000, deported to Honduras through Houston, TX.
- 3) 04/05/2001, deported to Honduras through Laredo, TX.
- 4) 12/12/2002, deported to Honduras through Houston, TX.
- 5) 07/30/2003, deported to Honduras through Charlotte Amalie, VI.
- 6) 01/29/2004, deported to Honduras through Houston, TX.
- 7) 12/15/2004, deported to Honduras through Phoenix, AZ.
- 8) 08/17/2005, deported to Honduras through Phoenix, AZ.

A review of the official file indicated that HERRERA-Flores failed to obtain permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security to reenter the United States legally.

Criminal indices revealed that HERRERA-Flores has the following criminal convictions:

- 1) 04/26/2000, convicted in the 28th Circuit Court of Wexford County, Michigan for Larceny in a Building.
- 2) 06/14/2000, convicted in the U.S. District Court - Western District of Michigan for Re-Entry of Deported Alien (Title 8, United States Code, Section 1326(a)).
- 3) 05/04/2005, convicted in the U.S. District Court - District of Arizona for Illegal Entry (Title 8, United States Code, Section 1325).
- 4) 06/06/2006 convicted in the Dougherty County, Georgia Superior Court for Theft by Shoplifting.
- 5) 07/07/2006, convicted in the Muscogee County, Georgia State Court for Obstruction of Officers.

6) 08/21/2006, convicted in the Municipal Court of Opelika, Alabama for Theft of Property II - Business Shoplifting.

7) 01/24/2007, convicted in the District Court of Lee County, Alabama for Resisting Arrest.

On March 16, 2007, HERRERA-Flores was taken into ICE custody and transported to the ICE office in Montgomery, Alabama for further processing. I conducted a search in the ENFORCE/IDENT system using HERRERA-Flores' index fingerprints and photo. The search revealed an exact match for Alexis Ramon HERRERA-Flores (Alien# A76 655 957) who was last deported to Honduras on August 17, 2005 through Phoenix, Arizona.

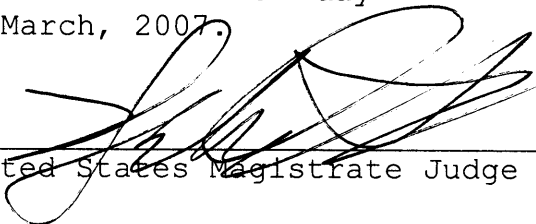
On March 16, 2007, I interviewed HERRERA-Flores. I gave him his Miranda Warnings in the Spanish language at which time he wanted to consult with an attorney before answering any questions. The interview was stopped.

Alexis Ramon HERRERA-Flores is in violation of, but not limited to, Title 8 U.S.C. 1326(b)(1), reentry of deported alien whose removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony without the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 10 years, or both.



Blake Diamond, Affiant
U.S. Department of Homeland Security
Immigration and Customs Enforcement

Sworn to and subscribed
before me this 16th day
of March, 2007.



United States Magistrate Judge